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January 20, 2015

TO: SUPERVISOR MICHAEL D. ANTONOVICH, Mayor
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FROM: MAX HUNTSMAN
Inspector General

RE: Reports by the Inspector General

Enclosed please find three reports by the Inspector General:

- 2014 Fourth Quarter Status Report: The Los Angeles Sheriff's Department Implementation of The Citizens' Commission on Jail Violence Recommendations
- Quarterly Report of the Office of Inspector General: Fourth Quarter 2014
- Recommendation to the Los Angeles County Sheriff's Department for Public Data Disclosure

If you have any questions concerning these reports, please contact me at (213) 974-6100.

Enclosures

c: Jim McDonnell, Sheriff

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Chief Executive Officer

Patrick Ogawa, Executive Officer
Board of Supervisors

Mark Saladino
County Counsel

**County of Los Angeles
Office of Inspector General**

**2014 FOURTH QUARTER STATUS REPORT:
The Los Angeles Sheriff's Department
Implementation of The Citizens'
Commission on Jail Violence
Recommendations**

**Max Huntsman
Inspector General**

January 20, 2015

2014 FOURTH QUARTER STATUS REPORT JANUARY 20, 2015

Since the Office of Inspector General's (OIG) *First Status Report* on the Los Angeles County Sheriff's Department (Department) implementation of the Citizens' Commission on Jail Violence (CCJV or Commission) recommendations was submitted on October 21, 2014, the Department has made additional progress in a number of areas. As the OIG increases its staffing, it will begin to implement the monitoring plan set forth in its *First Status Report*. Because the critical issue of OIG access to personnel files and other confidential materials remains unresolved, much of the OIG's monitoring is currently forestalled. The OIG respectfully submits to the Board of Supervisors its Second Status Report.

As the Department has progressed in implementing the CCJV recommendations, the County of Los Angeles has been in settlement negotiations with the plaintiffs in *Rosas, et al. v. Baca* (Case No. CV 12-00428 DDP). An Implementation Plan has now been finalized which will bring about additional changes to the procedures and policies within the Custody Division. For example, CCJV Recommendation 3.1 called for the Department to have a "comprehensive" use of force policy in a single document. Under the *Rosas* Implementation Plan, the Department will now create a "separate, revised, free-standing" Custody Force Manual.¹ The OIG will closely review the Implementation Plan to identify areas of overlap with the CCJV recommendations and adjust its monitoring plan to avoid duplication of efforts and undue burden on the Department and County.

As of this report, there are no changes in the implementation status of any of the CCJV recommendations. For this evaluation period, the OIG met with executives and managers

¹ Implementation Plan, *Rosas, et al. v. Baca, supra*, Section 2.1.

throughout the Department to obtain the necessary information and data. The OIG met with the Sheriff's Executive Officer Neal Tyler, the Custody and Patrol Division assistant sheriffs, Custody and Patrol Division commanders, facility managers, and staff from Custody Support Services and the Custody Standards and Training Bureau. OIG staff also visited the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC) and met with its leadership and staff. The OIG attended multiple meetings of the Executive and Custody Force Review Committees (EFRC and CFRC), Critical Incident Reviews (CIR), Custody Division commander meetings, a use of force data review, several 24-hour and 7-day Prisoner Death Reviews as well as Complex Case Committee Meetings. Finally, the OIG met with the commander of the Professional Standards Bureau and the leadership of the Internal Affairs Bureau.

In addition to formal meetings, OIG staff engaged individual Department managers and executives in follow-up meetings, phone calls and briefings. The Department was again accommodating in providing additional data and information when requested by the OIG. The OIG continues to meet monthly with the Assistant Sheriff, Custody Division, Terri McDonald and the Custody Division chiefs and meets in person or via telephone with the custody division assistant sheriff several times per month.

While the Department continued to make progress in several areas consistent with its projected completion times, the OIG identified several areas which will require further inquiry. The OIG recently reported in two public reports on allegations of force by prisoners and the use of body scanner technology to discover contraband hidden on prisoners. The OIG will be analyzing and reporting on the quality of prior use of force allegation inquiries conducted by the Department. The OIG will also continue to evaluate the body scanner pilot project (Recommendation 3.12) as well as the projected expansion of the use of iPad computer

tablets in the Department's effort to modernize its prisoner grievance system.

(Recommendation 7.14.)

The OIG has ongoing concerns about the evaluation of new deputies who are still in their probationary periods. (Recommendation 6.4.) The Department reports that it is not adequately tracking and timely monitoring probationary employee performance evaluations. Performance shortcomings must be identified in a timely fashion so that remedial action can be taken while deputies are still on probation. Given the potential problematic decision-making in this area identified in the previous quarterly report, the OIG is seeking to learn more. However, without access to personnel records, it is impossible to assess the overall quality of the review process or the qualifications of personnel ultimately retained.

The OIG continues to have access to all of the Department's jail facilities and scenes of significant Custody Division incidents, including prisoner suicides and deaths, uses of force, and jail group disturbances. The OIG also continues to roll out to all deputy involved shootings. The Department has been diligent in notifying the OIG of problematic or excessive Custody Division uses of force. Similarly, when the OIG has reported questionable or improper Custody Division staff conduct, the Department has assured the OIG that it acts swiftly to investigate. However, the moment an inquiry or investigation is triggered, the OIG is denied access to the information necessary to evaluate its quality. In every such instance, opportunities for real-time monitoring or any meaningful oversight of the Department are lost. Department personnel have been forthcoming, available and accommodating in the OIG's preparation of this and other reports. However, as a result of the OIG's limited access, much of the information detailed in this and other reports is based solely on Department representations or summary data review as opposed to thorough review and analysis consistent with nationally recognized oversight methods.

USE OF FORCE

3.1. LASD should promulgate a comprehensive and easy-to-understand Use of Force Policy in a single document.

Status: *Implemented*

Progress since First Status Report: The policy proposals were reviewed and approved by the deputy sheriffs' and custody assistants' unions without any revisions. As stated above, the Department anticipates additional revisions to the Use of Force Manual in response to the recent settlement of the *Rosas* litigation.

3.2. LASD personnel should be required to formally acknowledge, in writing, that they have read and understand the Department's Use of Force Policy.

Status: *Implemented*

Progress since First Status Report: Since the OIG's first status report, the Patrol Division has provided documentation that indicates 100 percent compliance with the use of force policy acknowledgement recommendation. No further monitoring of this recommendation is anticipated at this time.

3.3. All LASD personnel should be provided training on the new Use of Force Policy.

Status: *Implemented*

Progress since First Status Report: See discussion of recommendation 3.2 above. No further monitoring of this recommendation is anticipated at this time.

3.4. The Department's Use of Force Policy should reflect a commitment to the principles of the Force Prevention Policy and prohibit inmate retaliation or harassment.

Status: *Implemented*

Progress since First Status Report: The Department's use of force policy has not changed since the OIG's first report. In November, the OIG received a complaint of personnel in a disciplinary module harassing a mentally ill prisoner. The OIG reported the incident to facility managers and reviewed corroborating video footage. The Department reports that the incident is now being investigated by the Internal Affairs Bureau (IAB). The prisoner complainant in this incident has made allegations of other taunting and mistreatment by Department personnel. The Department reports that the custody facilities are conducting inquiries into these allegations. However, without access to personnel records, the OIG can neither receive information about the outcome of the investigation nor monitor the investigation itself.

3.5. LASD's Use of Force Policy should be based upon the objectively reasonable standard rather than the Situational Use of Force Options Chart.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

3.6. The Use of Force Policy should articulate a strong preference for planned, supervised, and directed force.

Status: *Implemented*

Progress since First Status Report: The pilot program for the redesigned “Supervisor’s Use of Force Report –Form 438” is ongoing at Men’s Central Jail (MCJ). The Department has started analyzing the results and, thus far, there have been some changes in the formatting of the report; however, no substantive changes to the form have been made. On December 1, 2014, the Department launched a 90-day pilot program at TTCF. The Department plans to review and analyze the results of the pilot program at both TTCF and MCJ before initiating a pilot program in the Department’s North Patrol Division. The Department hopes to launch the patrol pilot program in the spring of 2015.

3.7. The Use of Force Policy should account for the special needs populations in the jails.

Status: *Implemented*

Progress since First Status Report: The Department reports that, as a result of *Rosas*, it anticipates further revisions to its Use of Force Manual regarding how to respond to those with mental illness.

3.8. PPI and FAST should be replaced with a single, reliable, and comprehensive data tracking system.

Status: *In progress (funding approved)*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG’s last status report. Meaningful analysis and monitoring of the Department’s Personnel Performance Index (PPI) and Facility Automated Statistical Tracking (FAST) systems requires OIG access to personnel and disciplinary records.

3.9. Inmate grievances should be tracked in PPI by the names of LASD personnel.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of PPI related recommendations requires OIG access to personnel and disciplinary records.

3.10. LASD should analyze inmate grievances regarding the use of force incidents.

Status: *Implemented*

Progress since First Status Report: On November 21, 2014, the OIG reported to the Board the protocols and policies currently in use by the Department to investigate prisoner allegations of force by Department personnel. The OIG has requested and expects to receive by December 30, 2014, 134 completed force allegation inquiries that were made between January 1, 2013 and September 30, 2014, which the Department judged to be unfounded. The OIG will conduct a qualitative review of each case to determine whether policy and protocols were followed and whether the investigations were thorough, fair and complete with appropriate dispositions.

3.11. Statistical data regarding use of force incidents needs to be vigilantly tracked and analyzed in real time by the highest levels of LASD management.

Status: *Implemented*

Progress since First Status Report: The Department reports that it is continuing to vigilantly track and analyze use of force data and the OIG continues to receive use of force statistics and synopses daily.

3.12. Department should purchase additional body scanners.

Status: *In progress*

Progress since First Status Report: The OIG recently reported on the body scanner pilot project being conducted at the Inmate Reception Center (IRC). Since then the Department has installed a body scanner at the Century Regional Detention Facility (CRDF) for female prisoners and it is operational. One of the two scanners at IRC is still not repaired following a failure in September. The Department reports that it is considering replacing existing monitors with higher resolution monitors to aid in detecting contraband.

MANAGEMENT

4.1. The Sheriff must be personally engaged in oversight of the jails.

Status: *Implemented*

Progress since First Status Report: The Department reports that through the end of his tenure on December 1, 2014, Sheriff John Scott continued to closely monitor custody operations through the same means described above. In order to allow Sheriff Jim McDonnell the ability to influence staffing of key roles, the Department has not yet filled the open Senior Deputy Counsel, Constitutional Policing Advisor position.

4.2. The Sheriff must hold his high level managers accountable for failing to address use of force problems in the jails.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.3. The Undersheriff should have no responsibility for Custody operations or the disciplinary system.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.4. The Department should create a new Assistant Sheriff for Custody position whose sole responsibility would be the management and oversight of the jails.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.5. The Sheriff should appoint as the new Assistant Sheriff for Custody an individual with experience in managing a large corrections facility or running a corrections department.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.6. The Assistant Sheriff for Custody should report directly to the Sheriff.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.7. The Commander Management Task Force should not be a permanent part of Custody management.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.8. The Sheriff must regularly and vigilantly monitor the Department's Use of Force in the jails.

Status: *Implemented*

Progress since First Status Report: The Department reports that through the end of his tenure, Sheriff Scott continued to review regularly the daily, weekly and monthly custody force statistics and synopses with his team. He also held weekly meetings and communicated frequently with Assistant Sheriff McDonald. The Department is closely monitoring uses of force at a high managerial level and is in the process of determining how to train personnel on improved decision-making techniques. The Department also reports that Sheriff McDonnell anticipates regularly and vigilantly monitoring the Department's use of force in the jails and is in the process of determining the most effective way to do so.

4.9. The Department should implement SCIF [the Sheriff's Critical Issues Forum] on the Custody side to improve the accountability of jail supervisors.

Status: *Implemented*

Progress since First Status Report: The November 2014 Custody Division SCIF was cancelled and the next Custody Division SCIF, renamed "Risk Management Forum," (RMF) was scheduled for December 12, 2014. The RMF includes all custody facilities and follows a format developed by Risk Management Bureau to standardize the review of risk management issues Department-wide. The topics analyzed during the RMF were anticipated to include administrative investigations, use of force, prisoner complaints, civil claims, prisoner assaults on staff, and prisoner assaults on other prisoners. Due to bad weather, the December 12, 2014 RMF was cancelled.

On January 28, 2015, the Custody Division will hold the first formal RMF which, the Department reports, will include a more in-depth analysis of the same topics that were scheduled for review at the cancelled RMF. In addition, data will be reviewed regarding prisoner population numbers, Education Based Incarceration (EBI) participation rates, prisoner disturbances, prisoner suicides and suicide attempts, and prisoner participation in town hall meetings. All Custody Division commands will participate, including the support units.

In Implementation Monitor Richard Drooyan's July 2014 report, he recommended that the Custody Division SCIF be held on a quarterly basis. The Department reports that instead of quarterly, a full RMF (formerly Custody side SCIF) will be held twice yearly. The Department reports that in between the two formal RMF presentations, smaller reviews will be held to address trends. The most recent review was held on October 30, 2014, and was

attended by the OIG. Also, Assistant Sheriff McDonald and custody commanders meet monthly to review the contents of a statistical book in which force statistics are now maintained. They report that their most recent review meeting took place on December 9, 2014.

4.10. Senior management needs to be more visible and engaged in Custody.

Status: *Implemented*

Progress since First Status Report: The Department reports that its managers continue to maintain a visible presence in the jails. This is achieved through the Weekend Duty Facility Visitation rotation described above and the consistent and ongoing presence of Custody Division executives within the jails. Custody Division executives report that they make unannounced visits on all shifts and days of the week.

This quarter's facility visitation reports reflect that the facilities were visited by a commander or chief on the following dates: Pitchess Detention Center (PDC) East (October 18, 2014), PDC South (October 18, 2014), PDC North (October 5, 2014; October 18, 2014), North County Correctional Facility (NCCF) (October 5, 2014, November 23, 2014), MCJ (October 4, 2014; October 17, 2014, October 26, 2014; November 2, 2014; November 22, 2014; December 12, 2014), IRC (October 17 & 19, 2014; November 2, 2014; December 12, 2014), CRDF (October 4, 2014; October 19, 2014; November, 1, 2014; November 22, 2014; December 13, 2014), TTCF (October 17 & 19, 2014; October 25, 2014; November 23, 2014).

Reports reflect that activities conducted by executives during these visits include (1) visiting the recreation yards and viewing cell blocks, (2) examining facility hygiene, (3) conducting town hall meetings and Title 15 trainings, (4) holding sergeants meetings, (5) addressed certain individual prisoner issues related to mental health, (6) evaluating the use of body scanners, (7) working to address the issue of Forensic Inpatient (FIP) bed

availability for prisoners in IRC clinic for over 24 hours, (8) discussing the use of force policy with deputies and, (9) in many instances, recommending follow up for issues about which they were made aware during the visits. One commander noted that, on October 17th at IRC, there was a large back log for clinic processing. The commander personally returned on October 19th to ensure that the backlog had been cleared and noted that the staff had worked very hard to do so.

In addition, emergency response drills for PDC North, NCCF, MCJ, CRDF and TTCF were conducted on November 23, 2014, by various Department Commanders. A drill was also conducted on October 25, 2014, at TTCF and on October 26, 2014, at MCJ.

4.11. Management should be assigned and allocated based on the unique size and needs of each facility.

Status: *In progress (funding approved)*

Progress since First Status Report: The Department has received the funding for 19 new full-time permanent clerical positions that was approved by the Board on September 30, 2014. An allotment was provided to each facility based on size and needs. The Department created a new classification for a professional staff position within the County to serve as clerical staff within each facility, which has been approved by the Chief Executive Office. However, the Department reports that due to logistical hiring challenges not within the Department's control, it anticipates delays in filling the positions. The Department still anticipates that 19 deputies and custody assistants will be put on line duty and replaced with the nineteen professional clerical staff.

4.12. LASD should create an Internal Audit and Inspection Division.

Status: *In progress (funding approved)*

Progress since First Status Report: Since the OIG's first report, IMPACC has continued to move forward with its Phase II staffing and has hired 15 of the approved 28 new positions. Management is in the process of hiring five sergeants, one lieutenant, one head compliance officer and six sheriff performance auditors. The Department reports that it anticipates hiring the head compliance auditor in January of 2015. Phase III staffing does not begin until July of 2015.

In the last quarter, IMPAAC has completed audits regarding Custody Personnel Rotation, Uniform Crime Reports Assault Classification Audit and have initiated three additional audits. It also completed a CCJV compliance inspection, developed a "project tracker," and conducted unit level performance mentoring assessments for the evaluation of the way in which Department supervisors monitor employee performance, provide feedback, mentor employees and document reviews and assessments.

4.13. The Department should have a formal policy to address campaign contributions.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.14. LASD should participate in collaborations such as the Large Jail Network that would enable it to learn about best practices and approaches in other systems.

Status: *Implemented*

Progress since First Status Report: See discussion of Recommendation 6.10 below.

CULTURE

5.1. The Department must continue to implement reforms that emphasize respect for, engagement of, and communications with inmates.

Status: *Implemented*

Progress since First Status Report: The Department has continued to implement reforms described above that emphasize respect for, engagement of and communication with prisoners. Over the course of the last quarter, the Department reports the following *additional* programming and program related changes for each facility:

Men's Central Jail:

- The Unit Commander and Operations Lieutenants walk the floors and engage with prisoners inside their dorms.
- EBI participation has continued to increase, with approximately 900 of the 4,000 prisoners involved in EBI classes.
- MCJ has implemented the comfort-dog program. Discipline and High Risk housing locations are prioritized.
- The Custody Division, in consultation with the Department of Justice Office of Community Oriented Policing Services, is continuing with its pilot of a Community Oriented Policing program on the 9000 floor with 720 prisoners participating. In the initial phase of the program, MCJ has assigned one senior deputy to serve as a mediator/facilitator of deputy-prisoner communications and is scheduling Community Oriented Policing trainings for additional personnel.

North County Correctional Facility:

- Staff-prisoner communication is continuing to improve through town hall meetings which involve station deputy or custody assistant personnel.

Pitchess Detention Center South:

- Implementation of the “Back on Track” program, which immerses prisoner students in educational, life skills, and technical career curricula on a daily basis. Twenty-five PDC South personnel received a 16-hour educational block of training.
- Town hall meetings have been expanded by assigning a dedicated lieutenant and sergeants to each compound to allow prisoners to become comfortable with a smaller, more consistent group of personnel.
- Late night television on Saturday nights is offered to prisoners who are involved in work and education programs. The Department anticipates expanding the program to Friday nights if it continues to be successful.
- Three bunks from each barrack in the northern facilities have been eliminated to accommodate two additional tables, which will allow a greater number of prisoners to utilize areas other than their bunks for programming.
- The assignment of EBI liaisons who facilitate the EBI program through direct involvement and communication with participating prisoners.

Inmate Reception Center:

- A Crisis Intervention Training was provided to IRC personnel that will help identify specific mental illnesses associated with newly arriving prisoners.
- An orientation video that is shown to newly arriving prisoners regarding the process of going through the various stages prior to being assigned a housing location.

Century Regional Detention Facility:

- Education Based Incarceration offerings have been expanded.
- A women's re-entry council has been formed to better understand prisoner needs and connect prisoners with available community and Department resources.
- An eight-hour "Identifying and Interacting with the Mentally Ill" course, designed to provide personnel with the skills and knowledge to improve communication, lessen the need for force and assist mentally ill prisoners. As of November 30, 2014, 270 deputies had completed the course.
- The facility recently opened a beauty salon that was profiled in the Los Angeles Times. Professional stylists who are incarcerated staff the salon and provide services for their fellow prisoners.

Twin Towers Correctional Facility:

- Implementation of the comfort-dog program for high observation-housing mentally ill prisoners.
- Crisis Intervention Training for several deputies and sergeants.
- Visiting area town hall meetings with prisoner families.
- Partnered with outside providers and faith-based organizations to give classes and information to prisoners.
- Through the Community Oriented Policing Program, assignment of consistent supervisors to floors to facilitate continuity and communication.

5.2. The Department's Force Prevention Policy should be stressed in Academy training and reiterated in continuing Custody Division training.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: See discussion of Recommendation 3.3.

5.3. The Department should enhance its ethics training and guidance in the Academy as well as in continuing Custody Division training.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: While awaiting the settlement of the *Rosas* litigation, the Department has put on hold additional revisions to its use of force policy. As of November 2014 the “Force Concepts” training, which included the current use of force policy and constituted four hours of the eight-hour block training described above, has been paused pending the implementation of the settlement. However, the four-hour portion of the training that covers ethics and standards is currently being rolled out to all existing custody personnel and is included as part of the Jail Operations Continuum training for new deputies. To date the Department has trained 49 percent of all Custody Division staff (which includes new hires) and is continuing to calendar the ethics training portion for new and ongoing personnel. The Department reports that the additional training related funding has been beneficial because it has allowed the Department to mandate certain classes and more efficiently train personnel.

5.4. The Department must make Custody a valued and respected assignment and career.

Status: *Implemented*

Progress since First Status Report: The Department has continued to implement its Dual Track Career Path. The oral exam for the lieutenant test was completed in November and the promotions will be finalized and released in January 2015. As of December 13, 2014, the Department has promoted or assigned 97 dual track sergeants: 16 at CRDF, 1 in Custody Support Services (CSS), 14 at IRC, 22 at MCJ, 13 at NCCF, 2 at PDC South, 3 at PDC North, 1 at Population Management Bureau, and 25 at TTCF. The Department has, for the first time,

given personnel the option of indicating on their transfer preference form that they wish to remain in their Custody assignment. As of December 15, 2014, of 2,084 total respondents, 500 (402 male and 98 female) indicated that they wished to remain in Custody.

While Department personnel have expressed mixed opinions of the Dual Track Career Path, Department management believes that values are shifting. More deputies are recognizing and taking advantage of the significant benefits to remaining in the Custody Division which include among other benefits, pay parity with the Patrol Division, a more consistent and family-friendly schedule, and increased promotional opportunities.

5.5. Senior leaders must be more visible in the jails.

Status: *Implemented*

Progress since First Status Report: See discussion of Recommendation 4.10.

5.6. LASD must have a firm policy and practice of zero tolerance for acts of dishonesty that is clearly communicated and enforced.

Status: *Implemented*

Progress since First Status Report: Current guidelines, in place since February 17, 2013, as described above, require that discipline for acts of dishonesty ranges between 20 to 25 day suspensions to discharge. The Department's "Quarterly Administrative Discipline Report" for the third quarter of 2014 shows that in at least three instances, deputies were disciplined for conduct that involved some measure of dishonesty. In one incident, the Department followed the enhanced guidelines by discharging the deputy. However, in the remaining two incidents, the Department failed to follow the enhanced guidelines by imposing a 10-day suspension for one incident and a 15-day suspension for the other. As explained above, meaningful analysis and monitoring of the Department's disciplinary practices and

adherence to its zero tolerance policy requires OIG access to personnel and disciplinary records.

5.7. The Department should have a sensible rotation policy to protect against the development of troubling cliques.

Status: *Implemented*

Progress since First Status Report: The Custody Division and the IMPAAC unit have conducted audits to determine the Custody Division's compliance with the Department's rotation policy. Results of the audits are currently being analyzed in consultation with the OIG and will be reported in the OIG's next quarterly report.

5.8. LASD should discourage participation in destructive cliques.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: An investigation initiated in September regarding the "beginning of a clique formation" is an ongoing IAB matter and no decision regarding discipline has been made to date. Without access to personnel records the OIG can neither receive information about the outcome of the investigation nor oversee the investigation itself. The Department has completed a draft of a Tattoo Policy which addresses clique tattoos and is waiting for additional review and approval. Finally, the Department has integrated a curriculum related to values-based decision-making in to its training protocol, which includes a presentation by an Employee Support Services psychologist.

PERSONNEL AND TRAINING

- 6.1. The Department should review and revise its personnel and training procedures to reflect Custody's status as a valued and important part of the Department.**

Status: *Partially implemented (funding approved)*

Progress since First Status Report: New deputies assigned to Custody Division receive 24 hours of "Control, Escort, and Restraining Techniques" as part of the Jail Operations curriculum. New supervisors assigned to the division now first attend a 40-hour Custody Orientation for Supervisors class before supervising line deputies. This is an improvement from years past, when new sergeants and lieutenants might work for months before receiving custody specific training when the next such class was scheduled. This class includes the eight-hour "Use of Force Investigations" as part of the curriculum.

- 6.2. The Department should develop and implement a long-range and steady hiring plan based upon normal attrition.**

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

- 6.3. Deputies and supervisors should receive significantly more Custody specific training overseen by the Department's Leadership & Training Division.**

Status: *Partially implemented (funding approved)*

Progress since First Status Report: The Department continues with Jail Operations training for new academy graduates. As monitor Drooyan noted in his Fourteenth

Report, the Custody Training and Standards Bureau “developed an initial one-time, eight-hour use of force and ethics block for everyone in Custody Operations” called Force Concepts/Ethics. The state Board of State and Community Corrections mandates that each local correctional officer receive 24 hours of Standards for Training and Corrections training each fiscal year. The Custody Division has put an emphasis on the training areas identified by the CCJV and now includes Force Concepts/Ethics as part of the 24 hours of annual mandatory training. Other components emphasized by the Custody Division as part of the annual training are: Interacting with Mentally Ill Inmates, Jail Specific Restraint Training, Use of Force Investigations (for supervisors), and Inmate Extraction Training. Curriculum changes are possible, though, as the result of anticipated new requirements stemming from the *Rosas* litigation.

According to data provided by the Department there has been progress toward the goal of mandatory training of all personnel:

Custody Division S.T.C. Training Report (FY 2014/2015) as of 11/30/14										
Course	South	NCCF	East	North	MCJ	CRDF	TTCF	IRC	PMB	Total
No. of staff requiring STC training	257	354	22	207	641	393	734	393	136	3137
Interacting with Mentally Ill	61%	78%	27%	90%	52%	69%	55%	83%	34%	61%
Force Concepts/ Ethics	58%	56%	45%	86%	42%	41%	39%	62%	14%	49%
Jail Specific Restraint	63%	81%	36%	100%	53%	63%	39%	55%	7%	55%
Use of Force Investigations	100%	96%	0%	100%	100%	100%	93%	89%	0%	97%
Inmate Extraction Training	83%	94%	50%	100%	100%	100%	100%	92%	0%	80%

In the review of a recent medical emergency, the Custody Division identified areas for improvement that have resulted in additional critical incident training for deputies and medical personnel responding to medical emergencies. The Department is also in the process

of purchasing full-size CPR-capable dummies for enhanced critical incident training for all jail facilities.

6.4. There should be a meaningful probationary period for new deputies in Custody.

Status: *Implemented*

Progress since First Status Report: As noted in the OIG’s prior status report, “evaluation protocols for probationary employees are not being implemented consistently across facilities.” Since the OIG’s first report, the Custody Division indicated that efforts to ensure that all units are well-versed in the probationary protocol have increased. These efforts included commanders re-briefing the respective Custody Division units of their obligations to evaluate probationary employees. For example, the employee’s unit commander is supposed to conduct an evaluation three to four weeks prior to the employee’s one year anniversary. This is critical because releasing a probationary employee is far less burdensome than firing an employee with civil service tenure. The evaluations are currently not being audited by either CSS or IMPAAC and, as stated above, the Custody Division is not adequately tracking or timely monitoring six-month or one-year probationary employee evaluations. The Department acknowledges that improvements are needed in its tracking and accountability systems for one-year evaluations and that it should implement a centralized mechanism for the six-month review. Since the evaluations serve as the basis for formal processes, such as extensions of probation and performance mentoring, their quality and timeliness is critical.

6.5. The number of supervisors to deputies should be increased and the administrative burdens on Custody supervisors should be minimized.

Status: *Partially implemented (funding requested)*

Progress since First Status Report: The Department updated the OIG with more specific data on the supervisor positions added to Custody Division. Eighteen new sergeant positions were filled through promotion as of December 13, 2014. Eight additional sergeants are scheduled to be added to Custody Division through promotion in January 2015. Custody Division management level staffing has remained mostly consistent

6.6. The Department should allow deputies to have a career in Custody and take steps in the interim to decrease the length of new deputy assignments to Custody.

Status: *Implemented*

Progress since First Status Report: A round of sergeant promotions was just completed in December 2014. The lieutenant promotion examination process is scheduled to be completed in January 2015. As part of the normal process of rotating deputies from custody to patrol positions, deputies designate their preferred assignment locations. Deputies continue to have the option of staying in Custody Division.

6.7. The Department should utilize more Custody Assistants.

Status: *Partially implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

6.8. Rotations within and among proximate facilities should be implemented.

Status: *Implemented (within facilities, recommendation among facilities was not adopted)*

Progress since First Status Report: Rotations of deputies within jail facilities continue. Per Custody Division's Mandatory Rotation of Line Personnel policy, each facility's unit commander has the option of designating certain key positions as non-rotating. Those

non-rotating assignments have to be reflected in a unit memorandum provided annually to the Custody Division. Rotations are monitored by CSS. See discussion of rotation policy audits in Recommendation 5.7 above.

6.9. The Department's Mission Statement should be changed to reflect the importance of Custody.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

6.10. The Department should create a separate Custody Division with a professional workforce.

Status: *In progress*

Progress since First Status Report: Participation in professional development by Custody Division's management staff continues. This includes attending meetings of the Large Jail Network and other relevant organizations. Managers will be attending the American Jails Association conference in 2015 and Custody Division will be sending a sizable contingent to the American Correctional Association Winter Conference in Long Beach in February. A Custody Division chief has also visited an out of state jail facility which recently underwent a series of reforms to provide improved mental health care for its prisoners.

DISCIPLINE

7.1. The investigative and disciplinary system should be revamped.

Status: *Implemented*

Progress since First Status Report: As of the OIG's first report, the remaining three authorized sworn positions have been filled by Internal Criminal Investigations Bureau (ICIB). The IAB Bureau reports that Phase III of its staffing should be complete in July 2015. At that time, the IAB will have its seventh team of six sergeants and one lieutenant. In addition, ICIB has now completed its Phase II expansion and will receive 13 more personnel in Phase III.

The IAB reports that it has continued to conduct all administrative investigations stemming from Category 2 custody uses of force.² The average case load at the IAB remains steady at an average of 10 cases per investigator while the average time of completion of cases has decreased slightly averaging between 7.5 to 8.5 months.

The average caseload at the ICIB is currently at 6.5 (down from 10.2) cases per investigator while the average timeframe for case completion is at 4.9 months (previously at 4.8).

Without implementation of the access provided for by the OIG ordinance, it is impossible to assess whether the investigative system has been revamped or has simply received additional staffing.

7.2. The CFRC [Custody Force Review Committee] should monitor Force Packages for trends and concerns and the performance of supervisors.

Status: *Implemented*

Progress since First Status Report: The Department reports that there was one instance of a late notification to the Custody Force Response Team (CFRT) regarding a use of

² The Department reports that since mid-2013 there have been two Category 2 force incidents in custody that resulted in administrative investigations.

force occurring at a court lock-up facility. In order to rectify this situation, the CFRT reports that it has met with Court Services Division and reviewed CFRT notification protocols.

7.3. Deputies should be required to provide a timely written report of force incidents and not be allowed to review videotape footage prior to the completion of that report or any interviews.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of deputies' adherence to use of force policy requires OIG access to personnel and disciplinary records.

7.4. Deputies involved in Significant Force incidents should be separated and not permitted to talk to each other until they have provided a written statement or have been interviewed by investigators.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of the Department's response to use of force incidents requires OIG access to personnel and disciplinary records.

7.5. IAB and ICIB should be part of an Investigation Division under a Chief who would report directly to the Sheriff.

Status: *Implemented*

Progress since First Status Report: The CCJV recommended that both IAB and ICIB be placed under a "newly created Investigations Division" led by a chief who reports directly to the Sheriff. The commission stated, "This would create a single division

responsible for all significant internal investigations under the leadership of a high ranking Department official.” Monitor Drooyan noted in his fifth report that the Department implemented the recommendation on March 1, 2013, by creating the Internal Investigations Division (IID) led by a chief to whom both IAB and ICIB report, who in turn reported directly to the Sheriff.

In the Spring of 2014, Interim Sheriff Scott renamed IID to the Professional Standards Division with the IAB reporting to its chief. The ICIB was designated as a stand-alone bureau whose captain reports directly to the Sheriff. In his thirteenth report, monitor Drooyan described the reorganization as “somewhat different from what the Commission recommended,” but stated it was “consistent with the Commission’s recommendations” that internal investigations “should be vetted by a senior leader in the Department.” He concluded that the recommendation was “implemented.”

However, recent federal convictions of deputies underscore the importance of a chain of command. A direct link from the Sheriff to ICIB without intervening command staff increases the danger of mistakes which might otherwise be avoided through the usual process of management. Along the same lines, the Association of Los Angeles Deputy Sheriff’s has called for a specific policy against the following of illegal orders. The Department should carefully consider the mistakes of the past in deciding how to permanently structure IAB and ICIB, as well as policies which might prevent a repeat of the events that led to those convictions.

7.6. IAB should be appropriately valued and staffed by personnel that can effectively carry out the sensitive and important work of that bureau.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: As discussed above in section 7.1, IAB reports that it has completed Phase II of its funded expansion and currently has six roll out teams up from four teams in October 2013. IAB reports that Phase III, which will see the addition a seventh team, should be completed in July 2015.

The CCJV report found that the Department's attitude was "a significant factor affecting the efficacy of the bureau in its investigations" of alleged misconduct. The CCJV recommended that sworn personnel in IAB should have the ability to promote "after serving in IAB." Since the report's October 2012 publication, three sergeants were promoted to lieutenant and one captain was promoted to commander while assigned to IAB.

7.7. The Disciplinary Guidelines should be revised to establish increased penalties for excessive force and dishonesty.

Status: *Implemented*

Progress since First Status Report: Since the enactment of the new disciplinary guidelines Department-wide there have been two unreasonable force cases (Category 1 and 2, both of which imposed the required 15 days minimum suspension, and five failure to report force cases, all of which imposed the required 15 days minimum suspension. In addition, there have been eight cases involving dishonesty (failure to make statements, false statements, false information in records) for which the required minimum suspension days have been imposed.

7.8. Each jail should have a Risk Manager to track and monitor use of force investigations.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

7.9. Force investigations should not be conducted by deputies' supervisors.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of the Department's response to use of force incidents requires OIG access to personnel and disciplinary records.

7.10. Captains should not reduce charges or hold penalties in abeyance for use of force, dishonesty, or failure to report force incidents.

Status: *Implemented*

Progress since First Status Report: On July 1, 2014, the Department modified the protocol for any proposed modification of discipline after a case had been heard by the Case Review Committee. If a division chief is considering a change in findings or discipline after the matter is heard by the panel, the case has to be presented again for a re-hearing and only with the agreement of an assistant sheriff. In addition, if the same case was first heard at EFRC before referral to case review committee, the chief has to confer with the EFRC chair.

While the OIG does not have access to discipline records, findings or reports, the Department did share data with the OIG of recent findings and discipline for unreasonable force, dishonesty and noncompliance with the force prevention policy:

- Of seven adjudicated findings of unreasonable force incidents that took place after September 28, 2012, the discipline imposed for five of those cases was the same as the initial recommended discipline. One case was modified from a 15 day to a 10 day suspension and one case imposition is still pending after the issuance of a letter of intent to suspend the employee for 15 days.

- Of five findings of violations of the force prevention policy, all five cases had discipline imposed which was consistent with the initially recommended discipline.
- There were seven findings of failure to report force involving nine employees from patrol units. In five of those cases, discipline was imposed as recommended. One case was modified from a five to a three day suspension and one case is still pending.
- Of eleven cases involving dishonesty which were disclosed by the Department, discipline was reduced in two cases. In one case a 27 day suspension was reduced to 15 days. In another case, a 25 day suspension was reduced to 20 days. Lastly, in one case, an employee resigned from the Department while the review of a recommended discharge was pending.

7.11. The Department should vigorously investigate and discipline off-duty misconduct.

Status: *Implemented*

Progress since First Status Report: The Department's Quarterly Administrative Discipline Report for the third quarter of 2014 (covering discipline imposed between July 1, 2014, through September 30, 2014) reflects the following personnel discipline for off-duty misconduct: three violations resulted in short-term suspension (1-5 days); five violations resulted in moderate-term suspensions (6-15 days); one violation resulted in a long-term suspension, and five violations resulted in discharges.

Disciplinary measures are based on the severity of the conduct in question, the employee's history, progressive discipline practices, and consistency with similar offenses. Without access to personnel records, the OIG cannot meaningfully assess the suitability of discipline imposed in each instance nor ensure that a vigorous investigation of each alleged off-duty incident took place.

7.12. The Department should implement an enhanced and comprehensive system to track force reviews and investigations.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

7.13. Inmate Complaints should be tracked by deputies' names in PPI.

Status: *Implemented*

Progress since First Status Report: See discussion of Recommendation 3.9.

7.14. The inmate grievance process should be improved and include added checks and oversight.

Status: *Partially Implemented*

Progress since First Status Report: The Department reports that its pilot iPad programs at MCJ and CRDF are still ongoing since the first report. Funding for expansion of the iPad program is pending. The Department did not initiate the program across the entire Custody Division due to anticipated changes to the grievance system, particularly the iPad program, upon initiation of the *Rosas* implementation plan.

The Department reports that for those grievances in hard-copy form, there remains a large backlog due to delay in scanning the documents into the Custody Automated Response Tracking System (CARTS). This delay results from a combination of factors, including the sheer volume of complaints, lack of designated personnel assigned to handle grievances, lack of available scanners, and the inability to purchase new scanners that comport with new Department policies due to high costs. The Department reports that at some facilities it remains unable to adhere to its 5 and 15 day requirements in responding to prisoner grievances.

7.15. The use of lapel cameras as an investigative tool should be broadened.

Status: *In progress (Alternative Implementation)*

Progress since First Status Report: Progress since First Status Report: The Department continues to install additional cameras and bring them online. The table below reflects the Facilities Services Bureau's current installation projections.

Facility	Number of cameras	Installation Completed	Network Online and operational
MCJ	238	August 2014	February 2015
TTCF	96	November 2014	February 2015
IRC	20	December 2014	February 2015
CRDF	491	December 2015	December 2015

**COUNTY OF LOS ANGELES
OFFICE OF INSPECTOR GENERAL**

**QUARTERLY REPORT OF THE
OFFICE OF INSPECTOR GENERAL:
Fourth Quarter 2014**

**MAX HUNTSMAN
INSPECTOR GENERAL**

January 20, 2015

Reporting

This fiscal year, in addition to this report, the Office of Inspector General has presented three reports in response to requests by the Board of Supervisors:

November 21, 2014 Analysis of the Legal Basis for X-ray Body Scanner Searches in County Jail Facilities

November 21, 2014 Summary of Force Allegation Investigative Procedures

September 8, 2014 A Preliminary Review of Sheriff Crime Statistic Reporting

A copy of each of these reports is attached.

The OIG has also prepared for presentation to the Board of Supervisors and the Department two additional reports:

December 31, 2014 Recommendation to Los Angeles County Sheriff's Department for Public Data Disclosure

January 20, 2015 2014 Fourth Quarter Status Report: The Los Angeles Sheriff's Department Implementation of The Citizens' Commission on Jail Violence Recommendations

Each of these reports accompanies the Board memorandum to which this report is attached.

Oversight Activities

Monitoring of the jails has been the subject of special attention by the OIG since its inception. OIG staff has regularly visited each of the Los Angeles County jail facilities. Although the OIG staff has not yet obtained unescorted access to the jail facilities, during each jail visit OIG staff selected at random prisoners from the general population to interview and inspected housing conditions. As part of the OIG's continued monitoring of the implementation of the Citizens' Commission on Jail Violence recommendations, OIG staff this quarter has also interviewed deputies,

custody assistants, supervisors and commanders throughout the Department (see the section on **Reports** below).

As part of its jail monitoring program, OIG staff responds to investigations of in-custody deaths, reported uses of significant force and major disturbances. This quarter the OIG responded to the investigation of one major disturbance at a jail facility.

The OIG also responded on numerous occasions to jails to look into specific complaints received from prisoners, prisoners' friends and families, and community organizations regarding conditions of confinement or treatment by custody staff. During these visits OIG staff interviewed numerous prisoners, staff members and command staff when responding to specific complaints (see the section on **Complaints** below).

On December 23, 2014, the LASD conducted its first orientation for the OIG staff to qualify attending OIG staff for unescorted access to jail facilities. To accommodate new OIG staff, additional orientation sessions have been planned for January 2015.

Monitoring of patrol activities has also been an important activity of the OIG. OIG staff responds to the investigation of deaths of persons which occur while in the custody of the LASD, all deputy involved shootings which result in injury or death, all uses of force which are the proximate cause of a person's death, and other significant events, such as major disturbances in custody facilities. This past quarter, the OIG responded to the investigation of nine deputy involved shootings which resulted in injury or death, and one in-custody death.

As part of the OIG's oversight of Sheriff Department operations OIG staff regularly attended this past quarter Critical Incident Review and meetings of the Executive Force Review Committee, Custody Force Review Committee and Death Review Committee.

The OIG handled 155 individual complaints this quarter from members of the public, prisoners, prisoners' family members and friends and community organizations. Most of these complaints were regarding either the conduct of members of the Department or the level of service provided by the Department. These complaints were received by mail (93), through the OIG web-site (27), by telephone (32) and other means (3) such as personal contact. Each complaint was reviewed by OIG staff. Forty were referred to the appropriate Sheriff Department bureau or division. Fifty six were resolved by the OIG. Twenty one were referred to other agencies.

Community outreach has been an important part of the OIG's activities. On October 2, 2014, the OIG was a cosponsor with the Coalition to End Sheriff Violence in Los Angeles Jails and the LASD of a public town hall meeting at the Mercado La Paloma. On October 25, 2014, the Inspector General participated in a panel at East Los Angeles College on the subject of civilian oversight, also at the invitation of the Coalition to End Sheriff Violence in Los Angeles Jails. In September, the OIG presented the Public Safety & Justice Committee of the Empowerment Congress with an update and report on the OIG's activities. OIG staff members have appeared at less formal meetings of local community organizations and spoken individually to members of local organizations to hear concerns about LASD personnel and practices, including attending meetings of the National Association of Equal Justice in America. The OIG regularly attended the monthly meetings of the Countywide Criminal Justice Coordinating Committee.

With the hiring of additional OIG personnel, it is planned that the OIG will sponsor or cosponsor, on a regular basis, community forums in each supervisory district and attend all community forums to which the OIG is invited.

Implementation Activities

Personnel recruitment and selection has been a major focus of the OIG this past quarter. The executive staff identified, recruited and interviewed highly qualified individuals to staff the office. Six hundred ninety four candidates submitted applications for the twenty vacant ordinance positions within the OIG. Although seven OIG positions are frozen, sufficient candidates were identified through the recruitment and selection process to fill the ordinance positions when the OIG receives budget authority to fill these positions, with the exception of the Administrative Services Manager I (Statistician).

Position Status – Beginning of Quarter 10/01-12/31/2014

JOB TITLE	Ordinance	Budget	Vacant/ Ordinanced	Applicants
Inspector General	1	1		
Chief Deputy, Inspector General	1	1		
Assistant Inspector General	3	3		
Deputy Inspector General	5	4	2	91
Inspector, OIG	6	4	6	57
Investigator II (Monitor)	4	2	4	147
Senior Board Specialist (Community Liaison)*	2	1	2	15
Paralegal (Special Assistant)	1	1		
Administrative Services Manager I (Statistician)	1	0	1	0
Senior Management Secretary III	1	1	1	173
Management Secretary III	3	3	3	211
TOTALS	28	21	20	694

The Senior Board Specialist (Community Liaison) candidates were identified from an existing Senior Board Specialist list promulgated for the Executive Office. The remainder of the vacancies were bulletined and the candidates banded by the OIG

executive staff with the assistance of the Department of Human Resources. The selection interviews for the banded candidates were conducted by the Inspector General and his Chief Deputy. Because the incumbents of these positions will have unescorted access to the jails and access to Sheriff Department records candidates are subjected to a rigorous background check.

The executive staff engaged in an aggressive campaign to identify and recruit high quality candidates for the investigative positions within the OIG. Offers for the position of Inspector, OIG, in the Investigations and Audit branch of the OIG have been extended to, and accepted by, Lili Surber, who retired as Chief of Police from the City of Baldwin Park, and will join the OIG January 5, 2015; Jose Soltero, a forensic auditor who is joining the OIG on January 5, 2015, from the Los Angeles County District Attorney's Office, Bureau of Investigation; John Torres, who retired as Deputy Assistant Director, Office of Strategic Intelligence and Information from the Bureau of Alcohol, Tobacco, Firearms and Explosives, and will join the OIG January 20, 2015; and Catharine Wright, an experienced investigating auditor from the Los Angeles County Auditor Controller's Office, who joined the OIG on December 1, 2015.

One Deputy Inspector General, one Investigator II, the Inspector General's Senior Management Secretary III, one Management Secretary and one Senior Board Specialist have also joined the OIG. Additional desirable candidates for the Investigator II positions have been identified and upon successful completion of the OIG's rigorous background check one will be offered a position.

Work Plans reflecting the duties and performance standards for each of the positions within the OIG were developed.

Policy and protocol development has been a priority for the OIG. To ensure that the Board of Supervisors and the public can have confidence that the business of the OIG is conducted free of improper influence, the executive staff developed and implemented specific policies covering the outside employment of and the acceptance of gifts and gratuities by Office of Inspector General personnel. These policies supplement County policy and AB 1234 requirements, and prohibit OIG personnel from engaging in any outside employment which creates or gives the appearance of a conflict and prohibits the acceptance of any gift or gratuity by OIG staff. Currently in the legal research and development stage are more stringent supplemental OIG policies and protocols on confidentiality, social media use and conflicts of interest.

Personnel training and development is critical to the ongoing efficacy of the OIG. Executive staff members have attended training by both the City of Los Angeles Police Commission and the National Association for Civilian Oversight of Law Enforcement on current standards and practices in the auditing of law enforcement agencies. The OIG has also developed four internal training programs for OIG attorneys, Inspectors and Investigators: Ethical Issues in Civilian Oversight of Law Enforcement Agencies; California Legal Authority for Civilian Oversight of Sheriff's Departments in California; The Law Involved in Use of Deadly Force; and Video and Photographic Evidence. Applications are currently pending with the California State Bar for certification of these classes.

The OIG has also completed an application with the State Bar to become a recognized provider of continuing legal education to facilitate maintaining a highly trained legal staff.

Transitioning of Office of the Ombudsman Services to the Office of Inspector General commenced on September 11, 2014, and was completed on October 17, 2014, when Information Resource Management personnel were able to provide the OIG access to the database of the Office of the Ombudsman. The Office of the Ombudsman toll-free number was transferred to the OIG in September. The hard-copy files of the Office of the Ombudsman were retrieved by the OIG the first week of October and the Monitoring and Community Outreach Branch assumed responsibility for the active Office of the Ombudsman cases.

Database design and development is also a high priority for the OIG. OIG staff has met on numerous occasions with the Information Resource Management team this quarter. The final specifications for phase one of the OIG database were submitted to IRM on December 23, 2014, and the IRM team is scheduled to demonstrate the prototype on January 5, 2015.

**COUNTY OF LOS ANGELES
OFFICE OF INSPECTOR GENERAL**

**RECOMMENDATION TO THE LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT
FOR PUBLIC DATA DISCLOSURE**

**MAX HUNTSMAN
INSPECTOR GENERAL**

December 31, 2014

Recommendation to Los Angeles County Sheriff's Department for Public Data Disclosure

I. Recommendation

Peace officers serve as the face of government in any country. Americans in particular rely on our peace officers to give our democratic rights meaning by fairly executing the laws we pass. The public has a right and a need to know that this reliance is well placed and, in recent years, has demanded increased transparency in police operations. Public disclosure of data is an important component of a transparent and open police force.

The law in California, and elsewhere, places limits on what police agencies may disclose to the public, particularly with respect to the disciplining of officers. However, police departments across the country have found their relationship to the communities they serve can be greatly strengthened by sharing as much information as possible and California law authorizes the sharing of such data when it does not disclose personnel information linked to particular officers. The number of police agencies that publicly disclose data and statistics about complaints, force and shootings is on the rise. The Office of Inspector General (OIG) recommends that the Los Angeles County Sheriff's Department (hereafter, LASD or "the Department") regularly disclose data on civilian complaints, use of force, discipline imposed and deputy involved shootings.

The LASD currently provides local and county-wide crime statistics but does not provide detailed information on a regular basis to the public about deputy-involved shootings, discipline of employees and complaints by members of the public, including

those who are incarcerated. In this regard, the Department is not keeping pace with law enforcement best practices employed by many of the other major law enforcement agencies in California and across the country. Current circumstances, however, create a timely opportunity for the LASD to take significant steps toward transparency. The Department recently created the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC) unit which can facilitate collating and disclosing data with greater openness. This unit is budgeted with the resources needed to conduct audits, gather statistical data and publish the aforementioned information to the public.

We recommend that the Sheriff's Department take this opportunity to formulate a comprehensive transparency plan with a reasonable timeline of objectives. The plan should comply with the Peace Officers Bill of Rights. The type of information provided should cover the following areas at a minimum:

- Deputy-involved shootings, including details such as the number of deputies involved, and their length of service.
- Other "category 2" and "3" uses of force, including head strikes with weapons, knees or shod feet, canine bites, and any force resulting in broken bones, hospital admittance or death, as well as the injuries sustained, the number of deputies involved, and the method of force.¹
- Complaints against officers and other employees, including numbers, category of employee, types of complaints, types of investigation conducted, findings of investigations, corrective action taken.

¹ Category 1 uses of force are not included in this recommendation: these are defined in the Department's Use of Force Manual as the following uses of force when they do not result in injury: searching and handcuffing techniques, hobbling, control holds and come-alongs, when resisted; take downs; and use of aerosols or OC spray or powder when the suspect is not hit by a projectile and where the use causes no lasting pain.

- Where appropriate, the data should include any information which the Department has available, may lawfully provide, and which the public might consider relevant, such as geographic distribution, ethnicity of involved parties, or other surrounding circumstances.

The OIG further recommends that the transparency plan include a clear, user-friendly design for public disclosure of this information either through the Sheriff's lasd.org website or through a linked, related stand-alone website created for this purpose. Information should be provided for past years to enable the public to place the data in context and form its own opinions about year to year changes and trends.

II. Importance of Data Sharing

The effectiveness of law enforcement in its mission is tempered by the trust and confidence of the community it serves. This trust tends to increase where communities view their local law enforcement agency as a partner and protector of their constitutional, individual and collective rights rather than as a group of strangers limiting or violating those rights. Today it is not uncommon to hear skepticism about a law enforcement agency investigating its own personnel following a critical incident. California law requires that police agencies investigate the conduct of their officers, so it is imperative that those investigations be thorough and fair and that the public know as much about the process as possible. The more transparent an agency can be with the public it serves, the more trust it will garner with its constituents.

With national attention recently focused on officer involved shootings and use of force, there is a perceived lack of transparency regarding how often deadly force is used by law enforcement.²

The leading national association of law enforcement chief executives has observed that disclosure of information to the public is a critical law enforcement responsibility:

While the sophistication and level of detail of these summary reports vary considerably by department, providing such reports is sound public policy. The very availability of this summary information sends an important message of transparency and accountability to the public. With the summary information in hand, the public can better understand the workings of the complaint process. If the summary report contains monthly, quarterly, or yearly comparisons, then the public is able to assess whether complaints are generally on the rise or dropping. If the summary report breaks down particular types of complaints, such as rudeness or excessive force, by time period, then the public is able to make similar assessments at a more detailed level.³

Transparency is consistent with the LASD's core values, which include "holding ourselves and each other accountable for our actions at all times." There is a burgeoning effort to bring greater transparency to local government. According to a 2010 study by the Pew Research Center, "61 percent of Americans either looked for information or completed a transaction on a public agency website in the 12 months before the study." More than a third of Americans (35%) "researched official documents and/or agency statistics." Thus an effective website "is an opportunity to provide raw information and also to provide the public with background information on what the numbers mean for

² Lowery, "How many police shootings a year? No one knows," *Washington Post*, September 8, 2014; Fischer-Baum, "Nobody Knows How Many Americans the Police Kill Each Year," *FiveThirtyEight Politics*, August 19, 2014; Tedford and Favot, "Graphic: The numbers on Los Angeles' officer-involved shootings," *Los Angeles Daily News*, August 16, 2014.

³ International Association of Chiefs of Police, *Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement*, September 2006, p. 104.

the services they receive and how to participate in the decision-making process if they choose.”⁴ For the LASD to provide meaningful information to the public, the information should be easily located and regularly updated.

A fair, robust and transparent complaint process is also a critical component for building community trust and enhancing accountability:

It is imperative to not only have procedures in place for fairly and impartially accepting, processing, and investigating complaints concerning allegations of employee misconduct but also to inform all police employees and the public of that process (*Citation Omitted*). “An accessible, fair, and transparent complaint process is the hallmark of police responsiveness to the community” (*Citation Omitted*). It is incumbent on the police department to make its citizens aware that a complaint process exists, how to file a complaint, and how the agency processes and investigates complaints.⁵

Taking complaints and investigating them thoroughly are just the first steps in agency accountability. “[O]pen data ... can bridge the often too-large gap between the public and government.”⁶ National law enforcement organizations also urge that departments then make information about complaints readily available to the public:

Additionally, by tracking the complaint process and analyzing the data from it, agencies can produce comprehensive, clear, and informative summary reports to disseminate to the public. [T]hese summary reports should be widely disseminated, “sending a message of transparency and accountability to the public” (citation omitted).⁷

⁴ *Local Agency Website Transparency Opportunities*, Institute for Local Government, June 2012.

⁵ International Association of Chiefs of Police, *Building Trust Between the Police and the Citizens They Serve*, p. 20.

⁶ Shaw, Emily, *How do we improve open data for police accountability?* Sunlight Foundation (Dec. 5, 2104) < <http://sunlightfoundation.com/blog/2014/12/05/how-do-we-improve-open-data-for-police-accountability/> >

⁷ International Association of Chiefs of Police, *Building Trust Between the Police and the Citizens They Serve*, p. 32. CALEA refers to The Commission on Accreditation for Law Enforcement Agencies, Inc., a private accreditation organization.

True transparency requires more than a police department reporting data it has collected itself. The national best practice for transparency includes external monitoring with complete access and some form of civilian oversight such as the civilian commission currently being planned. However, comprehensive and readily available data is an important element as well.

III. Legal Framework

California law protects the confidentiality of some law enforcement information and restricts disclosure to the general public of “personnel records” relating to a particular officer which have been broadly defined to include “[c]omplaints or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, pertaining to the manner in which he or she performed his or her duties” (Cal. Pen. Code § 832.8(e)). California Penal Code section 832.7(c) specifically allows for a department to “disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.” Outside of this section, there is no legal mandate for law enforcement agencies to retain or disclose use of force statistics, including deputy/officer involved shootings. However many law enforcement agencies disclose to the public (either by request or on their websites) detailed data regarding complaints (number and type), discipline of officers, use of force statistics, and deputy/officer involved shootings. Courts have commented upon the obligations of a law enforcement agency to strive to provide public information as well as the California Constitution’s admonition to provide access to information concerning the conduct of “the people’s

business” within the bounds of statutory protections for privacy. See e.g., *Copley Press, Inc. v. Superior Court* (2004) 39 Cal. 4th 1272, 1300.

The OIG concludes that the LASD is neither constrained from nor required by law to disclose the information we discuss in this report but there are ample public policy reasons to do so.

IV. Review Process

Our review of this matter included interviews with officials from the LASD, review of documents provided by the LASD and review of websites of other law enforcement agencies both inside and outside California. Through these activities we:

- Identified the two broad areas of data which should be accessible: use of force and public complaints.⁸
- Identified the largest police departments and sheriff’s offices in the United States and in California per the *Census of State and Local Law Enforcement Agencies, 2008*, and selected the largest for review, since they would have resources similar to the LASD. We also selected two smaller agencies which have notable transparency regarding use of force or complaints data.
- Identified LASD documents used to track or report complaints, discipline and deputy involved shootings and their accessibility to the public, including through its website.
- Evaluated websites of other law enforcement agencies for the availability and accessibility of data regarding civilian complaints, discipline, officer involved shootings and other use of force.

⁸ “Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement,” Int’l. Assoc. of Chiefs of Police, September 2006.

V. LASD Practices and Comparison with Other Agencies

Current LASD Practices

The Los Angeles County Sheriff's Department employs over 9,100 sworn law enforcement officers and operates on an annual budget of approximately \$2.8 billion. The LASD compiles a great deal of data concerning use of force and public complaints on a station-by-station basis as well as regionally. While this data is not always tracked department-wide, the ability is present to do so accurately. The Department compiles this type of data for divisional analysis, such as Sheriff's Critical Incident Forum (SCIF) meetings, but does not routinely publish the results either inside or outside the Department. Discipline data must be compiled from the Department's personnel tracking database, but this is only done on a case-by-case or issue-by-issue basis. The database is not accessible to anyone outside the Department and only to managers and other authorized personnel within the Department. The LASD does compile a Quarterly Discipline Report describing each founded internal affairs case and the resulting discipline from that calendar quarter. This document, although it does not contain the names of disciplined deputies, is only distributed to a small group of managers within the Department.⁹

Currently, in accordance with California Penal Code section 832.5, the LASD annually reports to the State of California Department of Justice the number of citizen complaints, the number of administrative investigations opened as a result of those complaints, the number sustained, resolved or unfounded and the number of cases

⁹ LASD does publish an annual report titled "Year in Review," however, while it contains crime statistics, it does not provide the public with statistics regarding complaints, use of force or deputy-involved shootings.

pending. The type of complaints made by citizens is distinguished only by whether the complaint was non-criminal or criminal (further distinguished by felony or misdemeanor).

These internal collations of data rarely result in disclosure to the general public even in a redacted form. There is no proactive public disclosure by the LASD of aggregate information about use of force or deputy involved shootings. The Department does respond to media requests for such data on a case-by-case basis. Discipline outcomes resulting from force incidents or misconduct investigations are not published, even where no names are provided. The Office of Independent Review previously issued frequent “Oversight of Administrative Discipline” reports describing discipline cases and their outcomes, but the Sheriff’s Department never did so directly and has not adopted this practice since the dissolution of that office.

A soon to be published study conducted by researchers with the San Diego State University School of Public Affairs analyzed the transparency – in terms of data and information – provided through the websites of 350 police departments across the country.¹⁰ The researchers scored each department’s website on the presence of 26 elements, including areas such as department policies, historical annual reports, current crime statistics, use of force data, traffic stop data and civil litigation information. “The average department scored just 7.20 out of a possible 26.” The LASD was part of the sample and, according to the study’s author, had 11 out of the 26 possible elements. This compares to the LAPD, discussed below, which scored 21 out of 26.

¹⁰ Chanin, J., and J. Courts. 2014. Examining the determinants of police department online transparency. Manuscript submitted for publication.

Other California Law Enforcement Agencies

Los Angeles Police Department

The Los Angeles Police Department (LAPD) is comprised of 9,921 sworn personnel with an annual budget of \$1.189 billion.

Use of Force and Shootings: In 2009 and 2010, the LAPD published on its website “Annual Use of Force Reports.” Although it appears this practice was short-lived, these reports were detailed as to statistics on officer-involved shootings, animal shootings, unintentional discharge incidents, and other uses of lethal force or force resulting in significant injury. For example, in their 2010 report, the LAPD reported there were 26 hit shootings, 14 non hit shootings, 18 shootings at animals and 7 unintentional discharges. These numbers were further broken down to show the bureau and division where the shootings occurred, an analysis of the day and hour in which they took place, the rank of the officer involved in the shooting and the years of employment at the LAPD.

Complaints and Discipline: The LAPD’s website contains Quarterly Discipline reports for years 2007 through 2012. These reports include the following: the number of complaints generated by citizens and department employees; the types of allegations; the penalties imposed by the LAPD and discipline imposed for violations of use of force and shooting policies.

Accessibility: The Use of Force Annual Report and the Quarterly Discipline Reports were not easily accessible on the LAPD’s website. These reports were found under the subheadings of “Police Commission” and “Special Assistant for Constitutional

Policing.” A citizen unfamiliar with these terms and their meaning might find it difficult to find these reports.

San Diego County Sheriff's Department

The San Diego County Sheriff's Department (SDSD) has 1,322 sworn personnel with an annual budget of \$730 million.

Use of Force and Shootings: The SDSD publishes a yearly “Use of Force/Internal Affairs Statistical Report.” These annual reports include the following information to the public: the Use of Force statistics including the type of force used, i.e., Taser, canine, and impact weapons. The Department also releases to the public the number of deputy-involved shootings including both hit and non-hit shootings. These statistics are further broken down to specify which of the Department's three Bureaus (Law Enforcement Services Bureau, Detention Services Bureau or Court Services Bureau) used force.

Complaints and Discipline: The SDSD also releases statistics compiled by their Internal Affairs Unit which is responsible for investigating complaints initiated by a citizen or internally by a Department member. Statistics include the number of complaints by citizens and by SDSD members broken down by the Bureau being complained about. They further break it down by distinguishing between procedural and use of force complaints.

Accessibility: The SDSD's reports on force can be found in the “complaints and commendations” section of their website. Placement of reports in this section does not lend itself to easy public access.

California Highway Patrol

Use of Force and Shootings: The California Highway Patrol (CHP) does not publish any information on use of force or officer involved shootings.

Complaints and Discipline: The CHP publishes an annual report per the Commission on Accreditation for Law Enforcement Agencies, (“CALEA”) and their own internal Department policy. Their statistics are divided by Division and Region. The CHP publishes the results of their internal affairs investigations of citizen complaints stating whether they resulted in adverse action. They further publish the number of citizen complaints by division and by type of allegation, e.g. discourtesy, discrimination, validity of citation, arrest, and reason for stop.

Accessibility: The CHP’s annual reports can be found on its website under “CHP programs.” We found searching for the reports on the CHP’s website difficult as the placement of them was under “programs” instead of something more logical like “reports.”

Out Of State Departments

We reviewed the availability and accessibility of relevant data by the New York City Police Department (NYPD), the Chicago Police Department, and the Philadelphia Police Department. They, along with the LAPD, and the Los Angeles County Sheriff’s Department, are the five largest local law enforcement agencies in the United States. In examining disclosure of shootings, force, complaints, and discipline we also reviewed two other smaller agencies which present a particularly proactive model of transparency with their information: the Las Vegas Metropolitan Police Department and the Austin Police Department.

New York City Police Department

The NYPD had 36,023 sworn officers as of 2008.

Use of Force and Shootings: The City of New York provides a number of resources to the public including a very thorough *Annual Firearms Discharge Report*. The sixty-three page 2012 report provides a wide range of data in a user-friendly format. A reader can readily learn, for instance, that in 2012 sixty officers fired their weapons during forty-five adversarial incidents in which sixteen subjects were killed and fourteen others were injured. The department also discloses data in the report covering in which boroughs shootings took place, the ethnicity of subjects who were shot by officers, information about unintentional discharges, and even shots fired to defend against “animal attacks.”

Complaints and Discipline: The NYPD does not publish data about civilian complaints or employee discipline but another city entity does. The Civilian Complaint Review Board (CCRB) is independent of the NYPD and its task is to receive, investigate, mediate, hear and make findings and action recommendations on complaints against the NYPD officers. The CCRB states that it “issues a minimum of 14 reports per year to fulfill its mandate to inform the public” and city leaders about the NYPD complaints, case dispositions and discipline. The reports are twelve monthly statistical reports and two bi-annual reports. In its most recent biannual report, the CCRB stated that it received an average of 456 complaints per month during the first half of 2014. The CCRB also produces data on the method the complainants used to contact the CCRB to file complaints, as well as location of incidents leading to complaints and demographic data. Thus, a reader can quickly learn that in the first half of 2014, African-Americans

made up 54% of alleged victims of misconduct but comprise 23% of the city's population. A reader is also able to learn that of 901 cases that were fully investigated in the first half of 2014, 137 were substantiated.

The CCRB's Administrative Prosecution Unit (APU) also publishes a quarterly report pursuant to a memorandum of understanding with the NYPD. The report describes dispositions of administrative cases the APU files, discipline outcomes and the current status of cases awaiting trial.

Accessibility: The NYPD's Annual Firearms Discharge Report is found in the "Reports and Information" section which is accessible from the website front page. The CCRB's reports and statistics are easy to find on a well-marked "News, Reports and Statistics" link on the home page.

Chicago Police Department

The Chicago Police Department had 13,354 sworn officers as of 2008.

Use of Force and Shootings: The Independent Police Review Authority (IPRA), which is part of the city but independent of the police department, publishes complaint outcome as well as officer involved shooting data. This includes the district in which a shooting took place as well as the ethnicity and gender of the involved individual. The IPRA releases similar information regarding Taser discharges.

Complaints and Discipline: The Internal Affairs Division of the Chicago Police Department published annual reports covering the years 2009 through 2012 of cases that included "criminal misconduct, operational violations, substance abuse, and off-duty incidents that warrant department oversight." The 2-page 2012 report categorized

the types of complaints received, for example verbal abuse, and how many officers were discharged or suspended.

Following recent litigation where a state appeals court ruled that the release of records of complaints against individual officers would not violate officer privacy, the City of Chicago agreed to release such misconduct complaint records so that the public would have more information available.

The IPRA has responsibility for the intake of all allegations of misconduct from members of the public and investigates allegations of excessive force, domestic violence, coercion through violence, or verbal abuse. All other allegations are referred to the Internal Affairs Division for resolution. (This model is unlike the LASD where all complaints - known as Service Comment Reports - are handled by the involved deputy's assigned unit. When such a complaint is serious enough to merit an administrative investigation, it is conducted either by the deputy's assigned unit or by the Internal Affairs Bureau.)

Accessibility: The Internal Affairs Division annual reports are not easy to find. A user has to know that one can find IAD reports page through the "Inside the CPD" tab on the homepage. The IPRA's reports are logically placed in the "Resources" section and are easy to find.

Philadelphia Police Department

The Philadelphia Police Department had 6,624 officers as of 2008.

Use of Force and Shootings/Accessibility: The Philadelphia Police Department's website has a prominent section covering officer involved shootings which is highly visible on the homepage. The dedicated officer involved shooting page explains the

investigation process that occurs after deadly force is used. The page includes a chart that compares the number of officer-involved shooting incidents to other crimes in general, and firearms offenses and assaults on a police officer specifically. A remarkable feature provides maps which lay officer involved shooting locations over other gun crimes and civilian-on-civilian shootings so that the public can gain an understanding of where incidents take place in Philadelphia.

The page also has a link to a summary of each officer involved shooting that takes place. A reader is able to learn where and when the incident occurred, whether the subject was wounded, killed or arrested, whether the officer was wounded or killed and finally the outcome of the district attorney's criminal evaluation as well as the administrative determination by the police department's use of force review board.

The department explains why it provides such a high degree of information on the same page:

We post this information to make transparent the police department's process when an officer involved shooting occurs. We believe that your trust and confidence in the Philadelphia Police Department will increase as you understand what our officers encounter, how we prepare them for these encounters, and how we hold them accountable for their actions.

Complaints and Discipline: The department does not appear to publish any discipline or other use of force data. The Philadelphia Police Advisory Commission did release complaint data for the 2009-2012 timeframe. The Commission only released data of complaints it has received which number from 50 to 300 per year while the police department receives from 700 to 800 complaints annually.¹¹ Initiating a complaint requires two clicks on the department website.

¹¹ <http://technical.ly/philly/2013/01/28/city-of-philadelphia-police-complaint-data-api/>

Accessibility: The information provided by the Philadelphia Police is highly accessible. The “Officer Involved Shooting” page is very prominently placed near the center of the home page.

Las Vegas Metropolitan Police Department

The Las Vegas Metropolitan Police Department (LVMPD) has 2,942 officers.

Use of Force and Shootings: In 2012 the LVMPD created an Office of Internal Oversight (OIO) which is assigned to “provide a continual review process for all issues surrounding the use of deadly force by police officers.” The Office publishes a number of reports and statistics intended to enhance transparency surrounding shootings. A visitor to the LVMPD website will find a page explaining the Department’s seventeen-step use of deadly force review process.

The page for officer-involved shootings lists each completed investigation along with links to the District Attorney’s decision regarding criminal liability, the Force Investigation Team report and the Office of Internal Oversight review report. The degree of disclosure is notable in that the involved officers are named in all the documents which contain evaluations of their respective conduct. Similarly, the non-fatal shooting page contains both these reports. In California, the Penal Code would most likely preclude disclosure of some of this information if attached to specific officers’ names.

Similar to the NYPD’s firearms discharge report, the LVMPD’s OIO publishes an annual *Deadly Force Statistical Analysis* which covers the previous five years of officer involved shootings. The LVMPD explains in the introduction that the published analysis “reflects the Department’s continued willingness and responsibility to be

transparent and accountable. In an effort to build community trust and enhance its police service, the LVMPD has taken steps to place police use of force incidents at the forefront...”¹² The report identifies demographics and describes the circumstances surrounding the incidents.

One recent report goes beyond the numbers into some significant analysis, for instance the remarkable disclosure that “mistake-of-fact” shootings by the police are the most significant contributing factor to the proportional over-representation of African-American OIS subjects. In mistake-of-fact shootings, officers incorrectly perceive subjects present immediate, life-endangering threats. In actuality, the actions of these unarmed subjects, while in some cases unintentionally provocative, are not assaultive.”¹³

Complaints and Discipline: The Internal Affairs Bureau posts a summary of citizen contacts and provides some statistical information on the most common complaint categories: interaction with the public, neglect of duty, use of force, and standards of conduct. The most recent published data is for 2012.

Accessibility: Both the Office of Internal Oversight and Internal Affairs pages were directly accessible from the page through the drop-down menu on the “About LVMPD” page.

Austin Police Department

The Austin Police Department (APD) had 1,515 officers as of 2008. The APD publishes a number of reports which are intended to enhance transparency. The Texas Code of Criminal Procedure requires that most agencies submit an annual racial

¹² Sheriff Douglas Gillespie, *Deadly Force Statistical Analysis 2009-2013, July 1, 2014*, at p. 4.

¹³ *Id.* at p. 6.

profiling report to the Texas Commission on Law Enforcement. The report discloses the number of motor vehicle stops, the ethnicity of the driver, the number of vehicle searches, and how often searches result in the discovery of contraband.

Use of Force and Shootings: The APD publishes an annual report called the *Response to Resistance Dataset* which focuses on “any physical contact with a subject by an officer using the body or any object, device, or weapon, not including unresisted escorting or handcuffing of a subject...” Unlike the other agencies discussed above, this report encompasses both uses of firearms and less lethal means of force. It provides data on the type and level of force used, ethnicity of the subject, the reason for the contact and the extent of injuries received.

Complaints and Discipline: The Austin Office of Police Monitor (OPM) is independent of the police department. The OPM receives and assesses complaints and monitors internal affairs investigations conducted by the police department. The OPM has historically published bi-annual updates which include data and statistics “relating to the number and types of complaints, geographic area of the incidents, as well as a breakdown by the race/ethnicity of complainants.” The OPM also publishes individual disciplinary memos under the Texas open records codes which allow far more disclosure of misconduct records than allowed in California, including the name of the involved officer. The published memos include a summary of the allegations, the policy violation deemed “founded,” and the imposed discipline.

Accessibility: While not entirely obvious, there is a direct link to the Austin Police home page to both the racial profiling report and the response to resistance dataset by clicking through “APD Reports.”

Other Notable Jurisdictions

The OIG also took note of two other jurisdictions which are undertaking significant transparency measures. The Portland Police Bureau publishes details on-line about officer involved shooting incidents including the entire death investigation report authored by detectives. In addition, the department also publishes a Stops Data Collection report for traffic stops as well as a report for pedestrian and bicycle stops.¹⁴ Thus the department was able to disclose that an African-American motorist was four times (8.3% of all stops) as likely to be asked to give consent to search his vehicle as a white motorist (1.9%) of all stops even though contraband was found more often in a the searched vehicle of a white motorist (44.2% discovery rate) than an African-American driver (30.5% discovery rate).

As a result of a high profile officer involved shooting, the Dallas Police Department put a number of reforms in place in 2012. It has a prominent Officer Involved Shooting web page which is visibly accessible from the Department's homepage. The OIS page includes an explanation of the Dallas Police's use of deadly force policy, charts plotting the number of shootings going back ten years and a map detailing where in the city shootings have taken place. Moreover, the Dallas Police Department also publishes a table detailing each shooting incident with data provided for location of the shooting, whether the suspect was killed, the race and gender of the subject and what, if any, weapon the suspect possessed. That last category is very helpful for stakeholders to track how many shootings of unarmed civilians take place.

¹⁴ Portland Police Bureau, *Stops Collection Data* (Feb. 13, 2014) <<http://www.portlandoregon.gov/police/article/481668>>

The table also names the involved officers and provides their gender and race. A user can click on each incident to access a summary of the shooting event.

VI. Conclusion

Our of law enforcement agencies illustrates that police agencies comparable to the LASD in size and resources in several jurisdictions are much farther along than the LASD in providing detailed, accessible information to the public describing the uses of force employed by the departments as well as their internal discipline and complaint response processes. The large California law enforcement agencies that have made similar transparency strides toward greater communication with the public they serve have been able to adapt this technique to California laws protecting police personnel information. We therefore conclude that detailed information sharing has been adopted as a best practice in law enforcement and that the LASD can and should disclose more information to the public. It is evident that currently the LASD discloses to the general public only that information which is required by the Penal Code. The Department has taken no other steps to regularly provide information to the public regarding use of force, deputy involved shootings, discipline and complaints against the Department generated by citizens or internally. There is currently an unprecedented demand and momentum toward greater transparency in government and specifically law enforcement agencies and the LASD can and should adopt practices consistent with the trend.

The OIG submitted a draft of this report to LASD leadership for review. We are eager to join with the Department in fashioning procedures which will constitute a model of best practices in data disclosure and serve as a basis for improving transparency generally.

Data Disclosure Comparison Table – Types of Data Regularly Disclosed to Public

Agency	Shootings	Use of Force	Discipline	Complaints	Accessibility & Website
LASD	No	No	No	No	Poor
LAPD	Yes *	Yes *	Yes	Yes	Fair
San Diego Sheriff's Dept.	Yes	Yes	No	Yes	Fair
CHP	No	No	Yes	Yes	Fair
NYPD	Yes	No	Yes**	Yes**	Good
Chicago PD	Yes**	Yes (Taser use only)**	Yes**	Yes**	Fair**
Philadelphia PD	Yes	No	No	Yes**	Good
Las Vegas PD	Yes	No	No	Yes	Good
Austin PD	Yes	Yes	Yes**	Yes**	Good

*Disclosed through 2010 only.

**Public disclosure provided by another municipal entity.